

REMARKS

Summary Of The Office Action & Formalities

Claims 1-32 are all the claims pending in the application. By this Amendment, Applicant is amending claim 1. No new matter is added.

Applicant thanks the Examiner for the opportunity to conduct an interview on July 6, 2005. The Examiner's summary of the interview is accurate and complete.

The prior art rejections are summarized as follows:

1. Claims 1, 12, 13, 17-19, and 28-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pozzi et al. (EP 0 487 412).

Claims 2-11, 14-16, 20-27, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1, 12, 13, 17-19, And 28-31 In View Of Pozzi et al. (EP 0 487 412).

In rejecting claims 1, 12, 13, 17-19, and 28-31 in view of Pozzi et al. (EP 0 487 412), the grounds of rejection maintain that:

Pozzi shows a pump having a body 2, 16; piston 49; fixing ring 4; reservoir 15; sealing gasket 42; air intake passage 12; filtration element 5; and vent hole 12. The filtration element is above the top edge of the pump body (top edge is at 44, so the filter is above it) and between the body and fixing ring as seen in Figures 1-3.

Office Action at page 2.

The Examiner responds to Applicant's Amendment of July 22, 2005, stating:

When comparing Figure 2 of Pozzi et al. and Figure 6 of the instant application, it is clear that there is a vertical portion on both of the pump structures that sits above the filter. Also, a the horizontal portion and vertical portion are connected and are clearly both a the top of the pump, a reasonable interpretation of the top edge could clearly encompass the horizontal portion of the vent in Pozz et al.

Office Action at pages 2-3. Applicant respectfully disagrees.

In particular, the Examiner's interpretation of the claim language is inconsistent with a fair reading of this language in light of the specification.

Moreover, even under the Examiner's interpretation, Pozzi et al. cannot reasonably be argued to cover claim 31, which requires the filter to be "located outside the pump body and above the top edge of the pump body." To the contrary, Pozzi et al. clearly discloses the filtration element inside the pump body.

Furthermore, the Examiner is inaccurate in stating that "Applicant contends that Pozzi does not show the filter above the top edge of the pump." Rather, Applicant contends that Pozzi does not show the filter above the top edge of the pump body, as clearly recited in claims 1 and 17.

In addition, claim 1 requires that the top edge of the pump's body is fixed in a fixing ring. This requirement combined with the requirement that the filter is above the top edge inherently requires the filter to be above the location of fixation between the pump body and the fixing ring.

In Pozzi, on the other hand, it is clear that the filter is not above the location of fixation of the pump body's top edge (43) in the fixing ring (4), but necessarily under that location of fixation.

Amendment Under 37 C.F.R. 1.116
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In order to explicitly state what is clearly inherently stated, Applicant has amended claim 1 to recite "above the location of fixation between the top edge and the fixing ring." This amendment does not raise any new issue for consideration, since it merely a feature already required by claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

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